HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2639 of 2002

Petitioner J. Sarada Rani aged about 41 years W/o M.P. Phaneendra Kumar R/o Qt. No. Type II/Bank-colony/378 Bacheli, Distt. - Dantewada (C.G.)

Versus

Respondents

1. State of Chhattisgarh Through Director School Education Pension Bada, Raipur (C.G.)
2. DAV College Managing Committee Chitra Gupta Marg New Delhi-110055
3. The Regional Director D.A.V. Schools, MP/CG Zone Hudco Bhilai District- Durg (C.G.)
4. National Mineral Development Corporation Bacheli, District-Dantewada (C.G.) C/o General Manager Bacheli, District-Dantewada (C.G.)
5. The Principal D.A.V. Public School Bacheli, B.I.O.P. Deposite No. 5 NMDC District- Dantewada (C.G.)

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present : Mr. S. Shashidharan, Advocate and Mr. Jitendra Pali, Advocate for the petitioner.
Ms. Deepli Pandey, Panel Lawyer for the State/respondent No. 1.
Mr. Amit Verma, Advocate for the respondents No. 2, 3 & 5.
Mr. Vivek Kumar Verma, Advocate for the respondent No. 4.

ORDER

(Passed on 5th Day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner seems to be aggrieved by non grant of appointment order pursuant to the interview before the Selection Committee, for regularization on the basis of letter dated 17.10.1994 (Annexure P/3). He further submits that the

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petitioner was granted increment vide order dated 22.7.1996 without passing any order for regularization of his service as he was appointed as ad-hoc Teacher vide order dated 28.6.1994 (Annexure P-2).

2. It appears that the petitioner has thereafter appeared before the Selection Committee for appointment on the post of Teacher in pre-primary school on ad-hoc basis. Appointment letter dated 22.6.1998 (Annexure P-5) makes it clear that the petitioner was appointed as ad-hoc Teacher, purely on temporary basis, on fixed pay of Rs. 3000/- per month. Thereafter, again one more order was passed on 5.9.2001 (Annexure P-7), granting a pay-scale of Rs. 3050-4590/- to the petitioner as a Teacher for pre-primary with effect from the date of joining.

3. After having availed his joining pursuant to letter dated 22.6.1998 (Annexure P-5), which was for a period till 6.5.1999, the petitioner seeks to challenge the consequential order proposed to be passed after interview on the basis of letter dated 17.10.1994 (Annexure P/3).

4. The petitioner has filed this petition on 22.11.2002, when the cause of action arose in October, 1994. Thereafter, the petitioner has obtained second order for appointment and further for grant of regular pay-scale. The petitioner has not taken any step for a period of more than 8 years.

5. It is well settled that High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the

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lethargic as the belated approach may have the effect of inflicting not only hardship as inconvenience but also injustice on third parties. {See ***Jagdish Narain Maltiar Vs. The State of Bihar & others***[1], ***P.S. Sadasivaswamy Vs. State of Tamil Nadu***[2], ***State of M.P. & others Vs. Nandlal Jaiswal and others***[3], ***Burn Standard Co. Ltd. & others Vs. Dinabandhu Majumdar & another***[4] ***and Karnataka Power Corporation Ltd. through its Chairman & Managing Director & another Vs. K. Thangappan & another***[5]}.

6. Thus, this writ petition deserves to be dismissed on the ground of inordinate delay. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 AIR 1973 SC 1343
2 AIR 1974 SC 2271
3 (1986) 4 SCC 566
4 (1995) 4 SCC 172
5 (2006) 4 SCC 322

Subhash